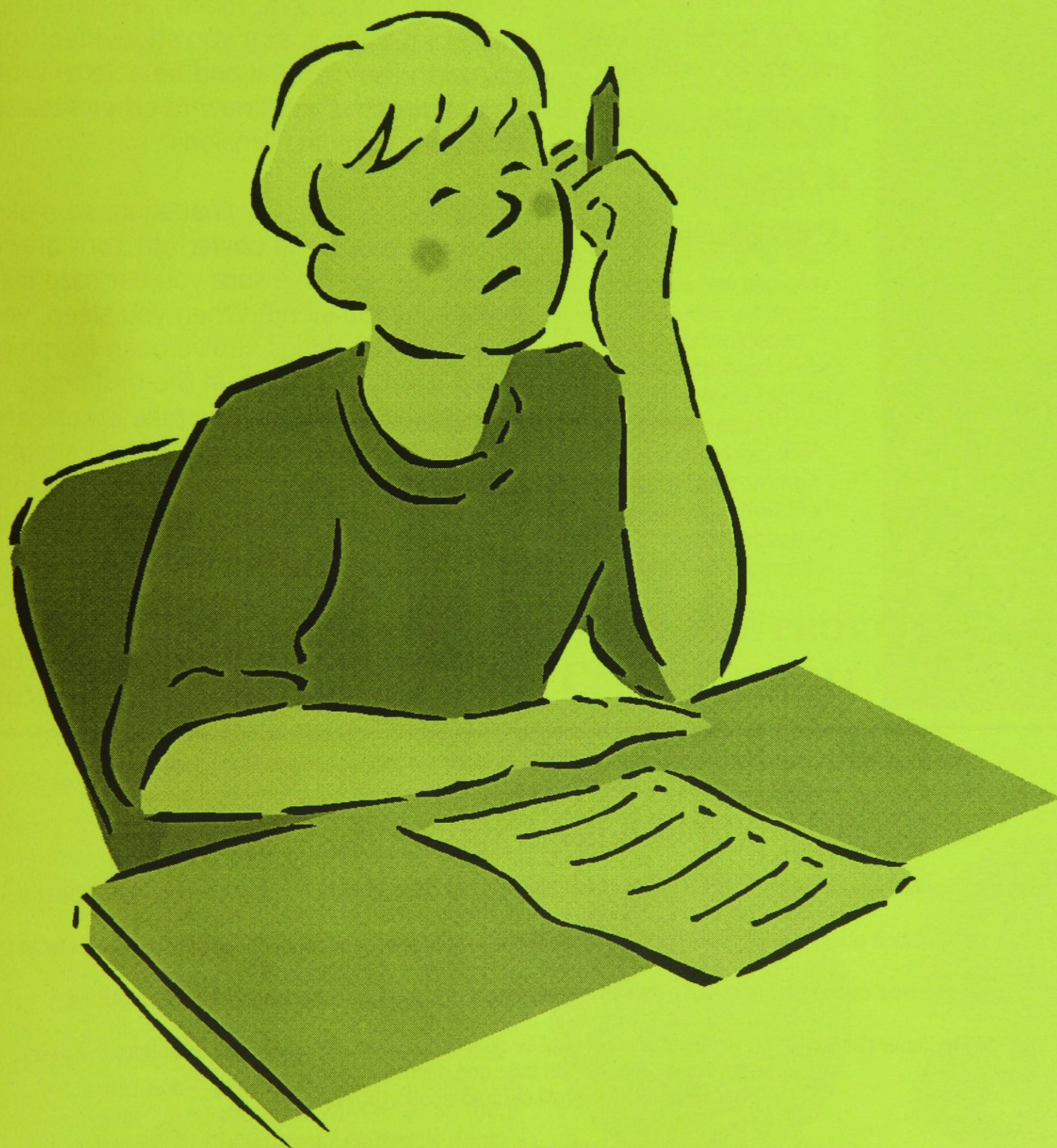


QUID NOVI

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EDITORIAL

by **Andrea Gorys (Law III)**
Co-Editor-in-Chief

Studying, studying, studying - how should one go about it? Well it really depends on your style and what works best for you. Some like to study in groups, get a discussion going and explain the material to each other. Others like to study alone, in the comfort of their own home, where they can shut the outside world out and just be in their zone. Now the way you studied in undergrad may not exactly work for you in law school. Exams are different. The important thing is that you should feel comfortable with the material and be able to synthesize and apply what you know to other situations and recognize links and tensions.

Studying can be very exhausting, so make sure you keep your brain power up! Your brain feeds on glucose so make sure you eat food like fruit. Make sure you sleep! When you sleep, your brain goes over the things you've been learning, stores it and even other leaps in the understanding of that subject. Make sure to take breaks and go exercise! Exercise oxygenates your brain at a faster level so you feel more alert and ready to take on tasks. It'll even take you less time to do those tasks because you've taken the time to be good to your body!

Main point: make sure to be good to yourself during exams. It's a marathon not a race!

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<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.

ARCHITECTURAL ARROGANCE

by Timothy Wood (LAW III)

McGill's Architectural Advisory Committee finally has a plan to replace the crumbling balcony stairs that face Dr. Penfield Avenue from Old Chancellor Day Hall. This should be cause for celebration for those of us who lament the law school's dilapidated appearance. The toppled balustrades, the construction fencing – year after year, who knows what impression these give to prospective students and professors, to visiting speakers and recruiters, and to thousands of passing Montrealers.

But the Architectural Advisory Committee doesn't want us to know about their plan. They want to demolish the balcony and staircases instead of restoring them. This is what Professor Scott, Maitre Boyer and I were stunned to learn when

we approached Facilities Management this summer. The decision was months old, and yet this was the first we were hearing about it. The Dean was none the wiser.

If we were stunned by the substance of the secretive committee's decision, I was appalled at the way it appears to have been reached. Without consulting the law school, a small group of architecture students and campus planners, presided over by architecture professor David Covo, would impose on us their vision for the environment in which we spend so much of our time. They would substantially alter the historic face of McGill's law school without bothering to ask what we, the building's occupants, think.

With the assistance of the

McGill Student Society's VP Internal, I sought to join the Architectural Advisory Committee this fall. I wanted to sensitize the committee to the fact that, while this university houses a few designers of buildings, it houses a lot more users of them. Both I and – more disturbingly – the SSMU's VP Internal, were ignored.

The jealousy with which McGill's architectural advisors guard their power to reshape campus recalls Robert Moses' autocratic style of urban planning in Manhattan in the mid-20th Century. We're not likely the first faculty to be subjected to this committee's cavalier style. But, as advocates in training, we are well-placed to put an end to it. To their Robert Moses, we can play Jane Jacobs, the urbanist who rose to prominence when she confronted Moses over his plans for a highway through Washington Square. Like Jacobs, we can insist on the common sense proposition that the users of a historic space – in this case, Old Chancellor

Day Hall and its appendages – should be included in decisions about altering it.

Let the decision-makers know what you think: Prof. David Covo, Chair, Architectural Advisory Committee:

david.covo@mcgill.ca

Chuck Adler, Director, Campus Planning:
chuck.adler@mcgill.ca



SHOULD PRIME MINISTER HARPER MEET THE PROVINCES ON THE RISING CANADIAN DOLLAR? IS THE CANADIAN DOLLAR LIKELY TO RISE FURTHER - TO EVEN US\$1.20?

by Professor William Tetley

The falling U.S. dollar and the recent rise of the Canadian dollar is not likely to stop soon. The American economy and government are over-extended by: 1) the Iraq War ("no end in the sight"), 2) the U.S. cost of health care (is the highest in the world and yet there is no universal medicare), 3) the flood of low-cost Mexican labour, which does nothing for the

efficiency of the American economy or American workforce, and 4) the danger provoked by the massive U.S. debt in the hands of China, who may foreclose at any time. Will the U.S. dollar fall by the end of the year and the Canadian dollar rise to \$1.20 causing real problems for Canadian manufacturers? Harper is right to be concerned. ■



HUMAN RIGHTS ACTIVISTS: CRUSADERS AND MISSIONARIES FOR THE MODERN WORLD?

by Celeste Shankland(Law II)

As some of you may have noticed, the new Human Rights Working Group t-shirts come emblazoned with the slogan "Human Rights: We're in it for the money". The implication here is (in case it wasn't obvious) that there isn't any money in this line of work. Though this may be questionable in itself, what is really interesting about this statement is the suggestion that it makes about our motivation for acting as advocates for human rights and "sacrificing" the big bucks that, as future lawyers, could be ours to command.

The question then is, what are we in it for? Are we sacrificing out of some altruistic sense of duty to the world at large? Or is it for the measure of self-gratification that we get from "giving back"? Or, in an even more sinister vein, is it a disguised ambition to impress our values on others, to put it bluntly to "civilize" a barbaric world...?

While I doubt that any of us would accept the latter as a part of our overt intention, is it possible that the instrument we use—the dominant discourse of human rights—results in little distinction between us and the crusaders and missionaries that came before?

There is a strong consensus in the Western world that the work that human rights activists engage in is inherently good. Despite the dominance of rights discourse, however, it

enjoys something considerably less than universal acceptance. Competing perspectives abound, including what we have termed the Islamic and the Asian "challenges", representing massive segments of the world's population. From this perspective, the human rights project is a perpetuation of a historical pattern of subordination by the west on the rest. In trying to universalize European norms, western activists seek to save and to civilize the Other and in the process we denigrate them. In this sense there is little that distinguishes the human rights zealot from the colonial administrator, the bible-wielding Christian missionary, or the merchant of free enterprise. As Isaiah Berlin once said "To manipulate men, to propel them toward goals which you—the social reformers—see, but they may not, is to deny their human essence, to treat them as objects without wills of their own, and therefore to degrade them."

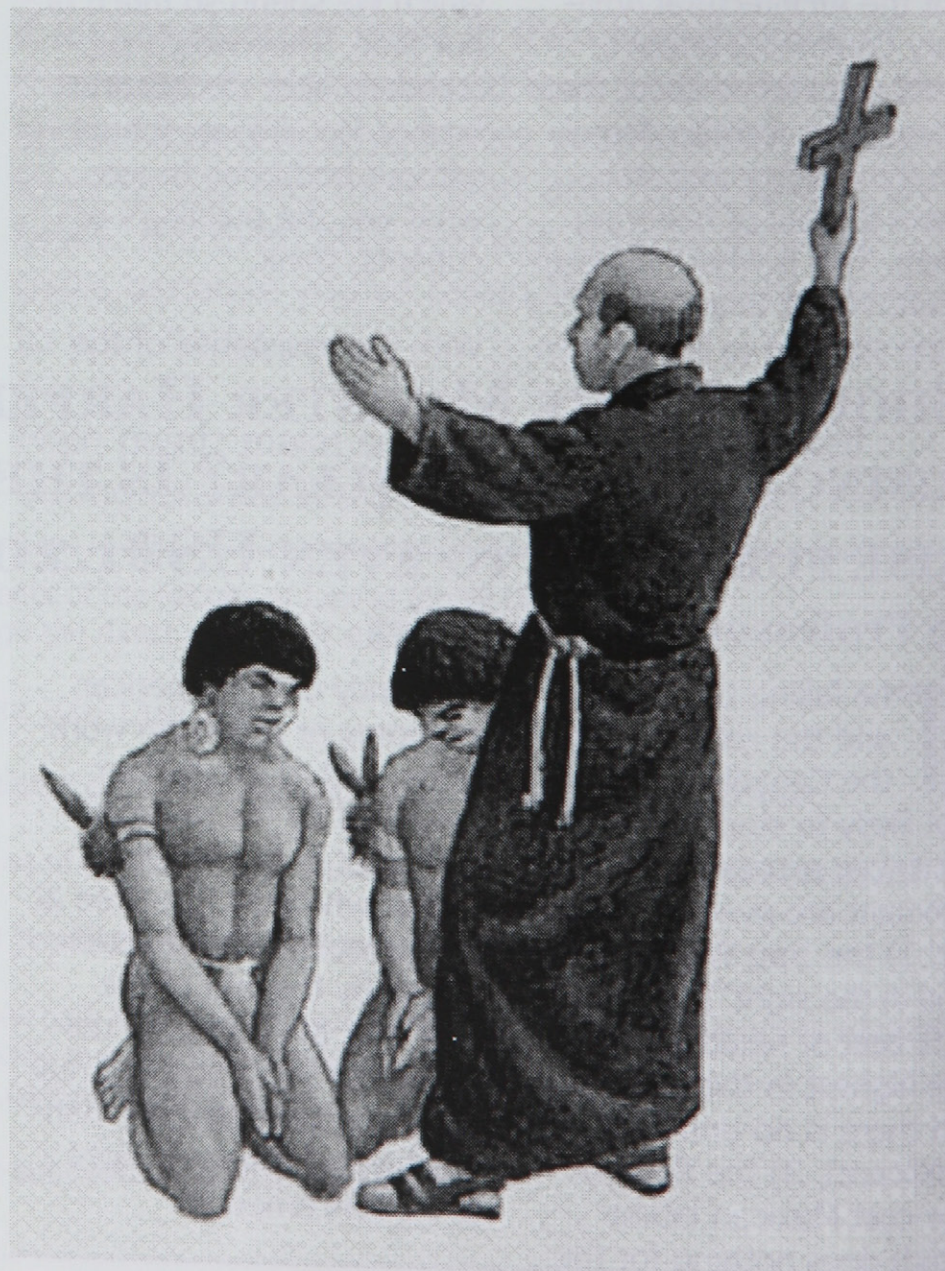
Like natural rights, however, human rights are frequently justified on the basis that they are inherent in us as humans. As such, they are not European norms they are universal ones and their end, therefore, is the vindication of objective principles not contingent on our actions or our beliefs. The constantly shifting substantive content of rights throughout history suggests, however, that even if there are natural

rights, we lack epistemic access to them. Take, for example, one of the earliest extant set of laws, Hammurabi's code, wherein almost every article runs contrary to current human rights principles. Consider the last—"If a slave say to his master: 'You are not my master,' if they convict him his master shall cut off his ear."

While we would like to believe that we have made moral progress since ancient Babylon, the development of human rights after WWII did not stem from a belief in innate human goodness or moral

progress, but rather, from the recognition of human cruelty. There was an acute awareness that human reason is flawed and that it consistently fails us by justifying terrible acts. Michael Ignatieff has thus argued that human rights arose in post-war Europe out of fear rather than out of triumphalism, and as a result, can be distinguished from the self-confident western imperialism of the past.

But if this is true, where is our humility? Even in this age of pragmatic pluralism, we appear to be *system addicts*. We seek to relate everything to a single



central vision, to a universal organizing principle—this time, human rights. We hold steadfast to the idea that footprints are only left by those who simplify the world for the rest of us, who give us a paradigm within which to function (e.g. Hegel, Darwin, Freud, Marx, Smith...). But, isn't life too complex to squeeze into any unitary scheme? Are we failing to learn the lessons of the past with respect to the dangers of hegemonic discourse, and the oppression and exclusion that this can entail?

But, without this, how do we act against perceived injustice? On what basis do we proceed? Somewhere in the midst of all this we have to put our feet down, to ground ourselves lest we become paralyzed by the impossibility of justified action in a relative world. Human rights activists are thus understandably oft inclined to focus on the basis of what human rights *do* for those who suffer. But, while an anti-foundationalist approach is appealing, there are concerns with this as well. If

we are going to justify human rights based on their tangible results, how do we actually measure these? And, does the evidence really suggest that this instrument has brought about substantial positive change on a global level? If not, do we need to be thinking more about how to reform or change the discourse, or even to jettison it altogether?

And finally, I would suggest that theorizing itself is constitutive of our social world, and in this sense, the discourse, study, and prac-

tice of human rights, like law, are inherently creative activities. The actions and activities of laymen, of agents interacting with the dominant structure profoundly influence its development. As a result, we have a responsibility to engage with and to question the discourse that we employ, as well as to concern ourselves with the implications that this may have, particularly at the margins. Lest we forget, the crusaders of the past genuinely believed that they were saviours too. ■



THE THUNDERSTORM ARTICLE

by Ilan Gabizon (LAW III)

Have you ever asked yourself, "Is this all there is?" Have you ever wondered whether this life, this world that we have been thrown into, is the be-all and end-all of existence? I should hope so, because there may in fact be an afterlife, and it would be infinitely shortsighted not to ponder upon it, given that the duration of our time here is a grain in the sand-box of the eternity that may be awaiting us.

Regardless of whether you have ever given any thought to the matter, I would like you to conceive it with the idea of justice in mind. What is justice? Presumably this is something we should be experts on.

We are supposed to be the defenders of justice, and so we should be able to give a clear definition of what it is. I'll venture my own definition: It is the recognition of a universal moral standard, and its application to our everyday life. This application consists of ensuring that people live in a way that is *accountable* to the universal standard. Thus we have our system of punishment, to ensure not only that society can be protected from these law-breakers, but also to make sure that they get their just due. Even if we were convinced that a criminal would not murder again, he would still have to serve time. It is a matter of fairness.

And so this idea of accountability is central to justice. It is its lifeblood. And this is where the afterlife comes into the picture. My argument is that there needs to be accountability *after* this life in order for justice to be served. Just consider it for a moment: would it be just that someone like Hitler, who killed himself (along with his newly wedded wife, Eva Braun) before the Soviets were able to reach him and prosecute him, shall go without his just punishment? Would it be just that you and I (who are presumably law-abiding citizens) will ultimately end up with the same fate as Hitler? NO. This would not be just at all. However, it is a conclusion that afterlife-deniers are

forced to make! Yes. If you deny the afterlife, then you are essentially advocating this dismal view. And I ask: why uphold justice then? To what end? What would we be accomplishing by it? The maintenance of order in society? Screw it! If there is no ultimate accountability, then let us indulge in our sins. Let us forget about these meaningless notions of chastity, temperance, respect, love...let us disregard it all, and satisfy our carnal lusts! Philosophies like utilitarianism and 'reciprocal altruism' (another "brilliant" discovery of our friend Dawkins) are weak copouts. I don't see how they can satisfy any genuine philosophical inquiry into the justification of morals, which is ultimately a justification of justice itself. ■

PAINTING THE TOWN RED

by Francie Gow (Law IV)

This time two years ago, I was typing up my exchange application for the National University of Singapore. For those of you submitting your own applications to go abroad, rest assured that the effort is worth your stolen time. I loved every crazy minute of my séjour in South East Asia. Here's one of my letters home, just to get your feet good and itchy...

March 31, 2007

Up to my neck in international patent law, I haven't exactly been painting the town red these past few days. However, Singapore painted me red earlier this month when I attended a Holi celebration (and no, that is not a spelling mistake).

Holi is the Hindu Festival of Colours. According to one version, it commemorates the Vishnu's killing of Hiranyakashipu, the almost-immortal-but-not-quite king of demons. It is celebrated over two days in late February or early March and involves a day of bonfires and a second day with people throwing water and coloured powder at each other.

Local student Vimal Kaur invited a group of her international friends to a Holi party in Little India on March 10. It was a week after Holi was supposed to be celebrated this year (I had missed a similar party at Evans Lodge, my residence), but this did not seem to be an

issue. We were instructed to wear clothes that we would be prepared to discard afterwards, preferably white. This included underwear, which apparently would not survive the onslaught. This put me in a quandary, since I had packed lightly to come here and had not brought much with which I was ready to part. I did have one thin white t shirt that was on its last legs (arms?). I also remembered trying on a \$20 pair of white pants at Mustafa's (picture an Indian WalMart) back in January, so I figured I'd go back and get those.

Then I saw the pictures from the Evans Lodge party. Punctured hoses had been strung up around the field, showering water, and people were getting tipped into wading pools. Thin white t-shirt and white pants were NOT going to happen. Vimal kindly offered to bring me an old pair of shorts of hers, and I decided to pick up a cheap t-shirt off a street rack on Serangoon Road the morning of the party.

Vimal also arranged for us to have a guided tour of her Sikh Gurdwara (temple) just before the party, for which we had to dress up a little better.

I got up early on the 10th, ready to hop down to Little India to pick up my shirt, only to discover that my laptop had been infected with a virus not allowing me to open anything. I rushed off to see Mr. Chee, who spent the whole morning

working on it. Suddenly, it was time to go to the Gurdwara. I put on my brown linen pants and a good blue t-shirt and ran for the bus. Then I got a text message from Vimal saying that there had been a mix-up with the laundry, and that she couldn't bring the shorts after all. I hoped I would have time to find a cheap broomstick skirt along with the t-shirt.

The Gurdwara was an enormous building, with a temple and community kitchen downstairs, and a multi-story, multi-purpose building attached containing a medical clinic, classrooms where kids could get help with their homework, and community meeting rooms, all run by volunteers. Our group, a motley crew of Singaporeans, Columbians, Mexicans, Swiss and Canadians, piled into one of the meeting rooms for a PowerPoint presentation on Punjab and Sikhism by one of Vimal's relatives. Punjab means "Five Rivers," and we were told that the world's first university was there, and that it was the birthplace of hockey. (Ahem.) Did you know that all Sikh men have the last name Singh (lion), and all Sikh women the last name Kaur (princess)? I'm glad I didn't try to call Vimal's father Mr. Kaur! We were also taught the tenets of Sikhism; the way it was presented, it is one of the more attractive religions I have ever encountered, especially when it comes to equality for women and tolerance of other religions.

After the presentation, we slipped off our shoes and slipped on our headscarves (men too) and proceeded to meet the Guru, or the holy book. "Guru" literally means "from darkness to light," (gu = darkness and ru = light). Historically, there were ten Sikh gurus, from Guru Nanak Dev in the early 16th century to Guru Gobind Singh in the early 18th century. Instead of passing the light of God onto a human successor, the tenth guru decided to pass it into the book of compiled Sikh teachings, now known as the Guru Granth Sahib. Each temple has its own Guru Granth Sahib, which has a little bedroom in a corner of the temple and is "put to sleep" in the evening and "awakened" and brought out to the main room at about four in the morning.

After becoming acquainted with the Guru, we wandered over to the community kitchen for lunch, excellent chapattis and lentils and chai made all day long by volunteers and absolutely free to all who walk in. Wanting somehow to pay for my lunch anyway, I spent ten minutes washing dishes in a back room with some friendly Singaporean Sikhs.

Then it was time to go to the Holi party. We squeezed too many people into too few cars and headed uptown to a large field at Farrer Park. It became clear that there would be no opportunity to buy new clothes and that the clothes I was wearing were about to come to an untimely end. The linen pants were second-hand, from my boyfriend's godmother, but I

really liked them, especially in this climate. Then I realized to my horror that she had given me the t-shirt as well, for my birthday a few years before. Oh well, I had worn and washed it so often in the meantime that it was beginning to get stretched out of shape, and at least it would die a glorious death. And it was made of cotton thick enough to keep me decent when the water hit. (Hmm, I am vaguely disturbed by the regularity of my references to wet t-shirts in these letters, but I guess that's what I get for choosing a tropical climate).

We all lined up for a "before" picture, then filed into an enormous tent, where I was handed a clear plastic bag full of red powder. Yellow, blue, green and more red were distributed to my friends. Before I made it past the table, a greeter said, "Happy Holi!" and smeared my cheek with green. I then ran into my friends Heather and Vish, who exclaimed that I was entirely too clean and proceeded to paint my shirt,

arms, etc. They had clearly been there for a while, since it was becoming difficult to distinguish which of them had once been pale and blonde and which had been brown. They were both uniformly green.

Sofia and Carlos had brought their children, but we hardly needed them as an excuse to revert to our own childhoods. Splat, splash, smear, for hours. I became predominantly red, with one alarmingly yellow ear. The area of the field where the water was being distributed had become a bit of a mud pit, and our bare feet were caked. We watched a few Bhangra dances on stage and joined in below.

As darkness fell, we left the tent in search of supper. The restaurant employees didn't blink as we filed in looking as though we had been dangled by our ankles into inkpots. We simply sat and ordered our dosas and revelled in the day's events, attracting somewhat more attention from the other

diners. Completely stuffed (it is possible to get completely stuffed in this town for only three dollars), we rolled back to the tent for more.

By this time, the powder had stopped flying, and the remaining crowd was dancing the evening away in the mud. We mostly stayed in our group, although random strangers would join in and vanish just as quickly. One Indian fellow took a shine to us and stuck around longer than the rest. As we danced he informed me he was a construction worker on his night off. He was a little on the sleazy side, but at least he was photogenic! Really, how does a quiet, introverted little translator get herself into these situations?

When everything wrapped up at around 10:00 p.m., the gang headed to Mustafa's to buy cheap towels, and I wandered off by myself to catch the Route 66 back to Bukit Timah Campus. (No taxi driver would have been stupid

enough to take me.) The advantage of being covered head to toe with dye on a crowded bus is that the other passengers give you plenty of breathing space.

Before going to bed I took a long shower, which undid the worst of the damage, but it would be a week of showers before the water stopped running pink. The soles of my feet stayed red the longest, prompting my friend Ankur to tell me in class that I looked like an Indian bride. The frames of my glasses remain slightly dyed to this day. I also said a little prayer that night and did a quick load of laundry. My linen pants came out fully clean! Now save the splotchy t-shirt for nighttime jogs (too hot to run in the day).

One question remains: have Indian Montrealers figured out a way to celebrate Holi despite the cold winter weather?

Love,
Francie

■



EXAMS: LIKE A MARTINI SERVED STRAIGHT UP, WITH A TWIST

by Joshua Krane (Law IV)

With exams fast approaching – now less than one month away – many first years are asking, how do I prepare for my first set of law school exams? To get through exam preparation and the exam period, one need look no further than a smooth martini for inspiration. Here are a few tips.

Use the proper ingredients. When preparing for an exam, the following are a must: a good summary (preferably created, but borrowed is fine), pens and pencils, paper, a working laptop, comfortable pants, lots of coffee, and a study schedule. Setting a study schedule will help focus your energy and prioritize your study time. If an exam is worth 40 percent and is mandatory, you should spend more time preparing than an exam worth 20 percent and to-assist-only. That is not to say that some

exams are more or less important than others; it is only to reinforce that there are consequences to test day, which should be kept in mind. Also remember to bring the casebook to the exam – it is hard to comment on a particular judgment when you don't have it in front of you as a reference.

Follow the recipe. You can find the recipe for each course on the syllabus – which is the most effective study tool and exam aid. The syllabus provides a rough outline of the course, locates the cases within the various themes, and provides a convenient checklist for fact pattern questions. Fact patterns will invite you to rely on the materials discussed in class, often with one or two changed facts. Issue spotting is easier when you know what you are looking for. In addition to having the syllabus handy, a well-prepared

student should be able to recite the key facts from each case – *cold*. Although some professors will come up with creative fact patterns and require that you apply principles, many do not take the time to do so, and will set up fact patterns that compile facts from the cases that you have already studied. If you know the facts, with a little creativity and a lot of common sense, you can often distill the arguments and reasoning from both sides.

Know your label. Themes emerge over the course of the semester that shape the professor's outlook on a given subject. Over the next few weeks, try to pick up on those themes and build on them during the exam. Organizing an outline by theme, instead of by topic, allows you to come into an exam having already linked disparate sections of the course.

Shake, stir, or serve with a twist. Successful exam writers often try to challenge the premise of the question or the assumptions that the professor makes. It is a bold strategy which can pay dividends, or result in disaster (and something to be attempted on a to-assist-only exam). The safer play, but one that can be as rewarding, is to infuse a little creativity into your answer to

make your paper stand out amongst the rest. When preparing for test day, try to combine cases selected at random to see if there are parallels or connections. This will help you to uncover some of the themes. By making connections on the exam, you can demonstrate a comprehensive knowledge of the course material. It also makes it easier to put your own spin on the question. Additionally, a quality answer does not need to cover all of the points covered in the course; rather, it should outline how a well-reasoned answer would be structured, had you had more time to complete the analysis. Show that you have an appreciation of the course *as a whole* and that you are aware of the key tensions and points of discussion.

Serve chilled and enjoy. Staying relaxed during exam time is key to avoiding burnout. Give yourself time to reflect on what you've learned. Try not to get bogged down in the details; you won't have time on the exam to recite them all. Try to get to the movies, go out to dinner, and *talk law* with your friends, your family, and anyone else who'll listen. This will help you to focus your thinking so that you can articulate what you know on test day. ■



THIS ARTICLE IS NOT SERIOUS

by Alison Glaser (LAW III)

Do you feel that? That heavy, droopy, weight on your shoulders? That, my friends, is November. In November, everything is dark. Everything is SERIOUS. I mean, look at the Quid the last little while. SERIOUS. Even I got serious (though, did you notice, no one responded to my article. Maybe next time I'll write about tuition...). Francie and Megan tried to lighten the mood last week (your articles were awesome!!!!), but still, it was very SERIOUS. What is up with that? Now, obviously, this isn't the Kraken, it shouldn't all be fun and games, but come on! Lighten up a teensy weensy bit. It's November. We need all the lightening we can get.

When we hit this period in the semester, one of the things I find is that I have a limited tolerance for books. Well, not all books – mysteries and junky girlie novels are ok, but I just can't devote the mental energy to heftier tomes. Another thing I like to read at this time of year (or on an airplane or on a beach) is junky magazines. You know, *Cosmo*, *Glamour*, *Marie Claire*, etc. They are HILARIOUS. And all the same. In fact, I could tell you right now what that junky magazine you are about to buy looks like:
 Page 1-30: ads
 Page 31-34: credits and table of contents. Maybe a small intro from the editor

about how Fabulous! the cover actress is.

Page 35: letter to the editor. "Dear mag. Thanks for printing that article about blah blah. Turns out I suffer from blah blah too. It was so nice to know I am not alone." "Dear mag. Thanks for your interview with hot male actor. He is soooooooooooooooooooooo dreamy!!!! I put his picture up in my bedroom so I can get a thrill every time I go in there!" "Dear mag. Your article about this funny thing was very funny! Thanks for brightening my day!!!!"

Page 36-37: ads

Page 38-39: what is hot now in fashion AKA things you will never be able to afford...

Page 40-42: ad (ok, from now on, just assume if I'm not putting in pages they are full of ads).

Page 43-47: more fashion things, focusing on different kinds of clothes (what's hot in winter fashions!), hair and make-up.

Page 50: small bio of a cute young male star.

Page 55: funny mini stories about Crazy Things Celebrities Do

Page 57-58: quiz.

Page 59: solution to quiz. You are either A) the slightly too extreme version of whatever the quiz was about; or B) The right middle-ground option that everyone always gets; or C) the slightly less desirable version of whatever the quiz is about.

Page 64-67: an "issue" article. Could be about women binge drinking, date rape, surviving cancer, or being a soldier in Iraq.

Page 70-75: Interview with cover girl. She will talk about her childhood (either fantastic or really difficult), her relationship with her boyfriend/husband/men in general (either fantastic or really difficult), what it's like being famous (either fantastic or really difficult) and how much she loves her children/wants children. She may also talk about whatever movie or TV show is about to come out that she is in. There will also be some arty photos of her in unlikely clothing.

Page 78-80: something about you and your career, something about how you can deal with problematic career issues such as bad bosses or trying to decide what to do with your life. Often will include a profile of a woman who is 22 and doing the world's coolest job.

Page 81-83: Sex advice. Probably some of the most banal and obvious advice you'll ever hear, even though the cover will have promised you "Really Hot Advice That Will Blow Your Mind". It will most likely say something along the lines of "be confident in your body! He finds you sexy just the way you are!" or "he gets really turned on when you actually tell him what you want" or "be confident and talk about what you are into. Maybe then you can be open to some of his wild and crazy suggestions, like a little spanking!" (Hmm, is this getting too racy for the Quid? Oh wait, I don't care....).

Page 85-87: suggestions for sex positions that you will

never try because they are extremely complicated and look very painful.

Page 90-91: something about body image issues and sex.

Page 94-95: am I normal about sex? A survey of a few hundred women (answer – yes you are!!!!). There is a lot about sex in these magazines.

Page 98-100: this varies. It may be another Issue article, or may be reviews of Movies and Books We Love. Page 105-140: fashion. Lots of photos of women in clothes you will not wear. There may be some fashion advice here too.

Page 141-153: ads for plastic surgery (so much for loving your body just the way it is....).

Page 154-155: story about some women's health issue designed to scare you.

Page 156-157: Horoscopes and a feature of a Zodiac-sign-of-the-month celebrity that we love!

Page 158-159: you may have an agony aunt column here, though sometimes they are in the front. These will often be about sex (duh) but could also be about friend issues.

Page 160: funny back page thing. Could be a regular column, celebrity spotting, or some kind of top ten list.

So there you go. Now you don't even need to go out and buy a magazine. I have totally saved you five bucks! Let the lesson be learned my friends – just because it is November, it doesn't mean that you have to become a serious person. Throw some fun into life and it'll be much more bearable. ■

THE SPECIAL ADVOCATE AND SECURITY CERTIFICATES: NOT MUCH TO TRUST

BY HINDA RABKIN (LAW III)

«Le débat sur les mal-nommés certificats de sécurité s'est passé dans l'indifférence totale. Cela est vraiment dommage», said a dejected Mr. Serge Menard in an imposing voice at the conclusion of the November 14th roundtable on the newly proposed law on security certificates. Mr. Menard is an MP for the Bloc Québécois who has consistently opposed the security certificate system. He says the reason he so vehemently opposes these laws is that he is one of the few parliamentarians who experienced the October 1970 Crisis first-hand, and knows what a government is capable of doing in the name of 'national security'.

MP Stockwell Day recently introduced Bill C-3 in response to the February Supreme Court's *Charkaoui v. Canada* decision which required Parliament to modify the procedure that leads to the application of a security certificate. The Court found that the procedure violated s.7 of the *Canadian Charter of Human Rights and Freedoms*. Although protecting national security is a pressing and substantial objective, this goal was not achieved in a way that minimally impairs the rights of those affected.

Bill C-3 includes a number of amendments - notably the appointment of special advocates. The new model essentially adopts the UK procedure on security certificates; but it does so without

taking into account the admitted failures of that model. According to Lorne Waldman, an immigration lawyer, the government simply imported the law from England without first checking to see if it is, in fact, effective.

Indeed, the special advocate system has already proven to have faults. Firstly, the special advocate is not allowed to communicate with the complainant after seeing the evidence that led to the security certificate being issued in the first place. Anyone with litigation experience would concede that it is nearly impossible to defend someone without constant communication and the ongoing ability to hear their side. Fear of an inadvertent leak of information is absurd. Intelligence agents meet with suspects all the time and interview them while possessing special classified information. Why would skilled lawyers, who have years of experience in interrogation, be less qualified than intelligence agents?

A second fault of the special advocate system is that there is no government obligation to divulge all the pertinent information to the advocate. Ian MacDonald QC, a special advocate in the UK who resigned from his post because he did not approve of the procedure, says that the government divulged about 10% of the information it had. Thirdly, there are limits on cross-examination. CSIS

agents don't have direct knowledge of the facts. They only have reports which are compiled in coordination with other international intelligence agencies. This means that most of the time they don't see the hard evidence.

What other models could Canada adopt? "Of all the good models on security certificates," Waldman notes "Canada's SIRC (Security Intelligence Review Committee) model was the best out there." The SIRC model which lasted for 25 years consisted of SIRC having access to the entire CSIS file before then meeting with the complainant and evaluating the claim. This model was annulled in 2002, and though Waldman has repeatedly asked the government for a reason, none has as of yet been provided.

The evening ended on a pessimistic note. "We're going to have special advocates whether we like it or not," concludes Waldman. "But will it satisfy the Supreme Court? It would take a lot of courage for the Supreme Court to strike the same process down twice."

Someone in the audience complained that the roundtable had been falsely advertised - there was, indeed, not much of a debate. All three panelists agreed that the new law infringed on the rights of those targeted by security certificates. Stockwell Day and other MPs who

are in favor of the law declined the invitation to participate in the event. What then, would be a reason to support the security certificate process? Waldman's answer: "It's the government saying 'we can't tell you; trust us'. But I represented Maher Arar, and frankly if that's how the government collects information, I am afraid there isn't much to trust."

[Aside: M. Menard mentioned that he read many reports about the security certificates from various groups. He found the report written by the *Association canadienne des professeurs de droit* the most difficult to read. He wondered out loud if they had written it with the intention of it ever being read...].■



PAKISTAN'S FALTERING LAWYERS SHOULD BE SUPPORTED: NOT REALLY A RESPONSE TO NICK DODD'S ARTICLE

By William Fyfe (Law III)

Nick Dodd's article raised a number of excellent questions, most of which I cannot answer. They cut to the heart of the way Canada's legal profession is structured and the nature of our biases as students of law. He also specifically questions the motivation behind the protests that took place last week and, though he supports them, I would like to explain why they were justified. The protests that took place last Wednesday and Friday were not based on knee-jerk solidarity amongst lawyers, but rather because the objectives of Pakistan's so-called "lawyers' movement" are worthy of support and these lawyers are an example of what our future profession should aspire to be.

Why Protest? Why Support the Lawyers?

What has been described as the lawyers' movement in Pakistan is in fact a lawyer-led movement. Those arrested last week were not only lawyers, but also journalists, politicians, activists and ordinary citizens. Many have spent their entire lives fighting for democracy and human rights in Pakistan. Our protests were condemning the declaration of a state of emergency, the suspension of the constitution and the arbitrary arrests and repression that followed.

What in my view is justified cynicism about our own country's legal profession should not hinder our support for Pakistan's lawyers. Among the many possible motivations for law students to picket the Pakistani Consulate, one is that Pakistan's legal profession embodies the very values that Mr. Dodd's article correctly laments as lacking in our Faculty and in Canada's legal profession. The lawyers of Pakistan's bar associations deserve support because they epitomize the ethic of principled action that we as future lawyers should be aspiring to. To borrow Mr. Dodd's words, they are truly "advocates and activists." For them, advocating for clients in court does not preclude taking to the streets.

What happened? What was the role of the lawyers?

This summer the Bar Association and lawyer-led movement mobilized thousands for street protests on a weekly basis, despite temperatures soaring to about 50°C and police violence. Black-clad members of the legal profession took to the streets alongside members of political parties, the NGO community and ordinary Pakistanis to demand the rule of law be respected and the illegally sacked Chief Justice be restored. Chief

Justice Chaudhry had exercised a modicum of judicial independence by tentatively pushing the government to provide information about disappeared persons as well as blocking the corruption-plagued privatization of Pakistan's only steel mill. In short, he had just barely started doing his job when General Musharraf demanded his resignation and then submitted a reference for his recusal to Pakistan's Supreme Judicial Council.

On July 20th, the movement succeeded and the Chief Justice was restored only to have five months of hard fought gains taken from them following the declaration of emergency on November 3rd. Censorship of newspapers and satellite news channels combined with the arrest of leaders of the lawyers movement and civil society groups have for now limited the ability of the lawyers to lead a second mass-movement.

Fighting to Restore the Chief Justice

The Bar Associations of Pakistan, and in particular the Lahore High Court Bar Association, have a history of advocating for democratic rule. This may be linked with the fact that they are among the oldest democratic institutions in the Sub-continent. In 1958, it was the Lahore High Court

Bar Association that led the first public protest against the imposition of martial law and the abrogation of the 1956 constitution. Throughout the next 50 years the Bars of Pakistan would remain at the forefront of movements against martial law and the manipulation of Pakistan's judicial system by elected governments and dictators alike. For instance, in the 1960's, after all political parties were outlawed, the Bar Associations remained one of the only organized groups in the country capable of mass mobilization.

The participation of Pakistan's assorted Bar Associations thus give the lawyer-led democracy movement unique credibility. Contrasted to Pakistan's constantly amended, abrogated and suspended constitution, military rulers and dynastic and corrupt political parties, it is no surprise that when lawyers mobilize they have enormous cachet among ordinary Pakistanis.

To a certain extent, the recent lawyers' movement also lacks many hurdles facing other civil society groups that oppose military rule. For example, Pakistan's upper class liberal establishment and NGO community is considered by many to be elitist, foreign-funded and at odds with the values of most Pakistanis. Similarly,

PAKISTAN CONTINUED...

Pakistan's political parties, though in many ways garnering broad popular support, are family dynasties that, much like the army, have never been shy about pillaging the country once in power.

Interestingly, Pakistan Peoples' Party (PPP) leader Benazir Bhutto's calls for elections and a lifting of the state of emergency were at first half-hearted and partisan. With her sights set on returning to power through a US-brokered power sharing deal with the Army, her initial reaction to the state of emergency was muted. Similarly, her total lack of concern at the exclusion of her only real rival, Pakistan

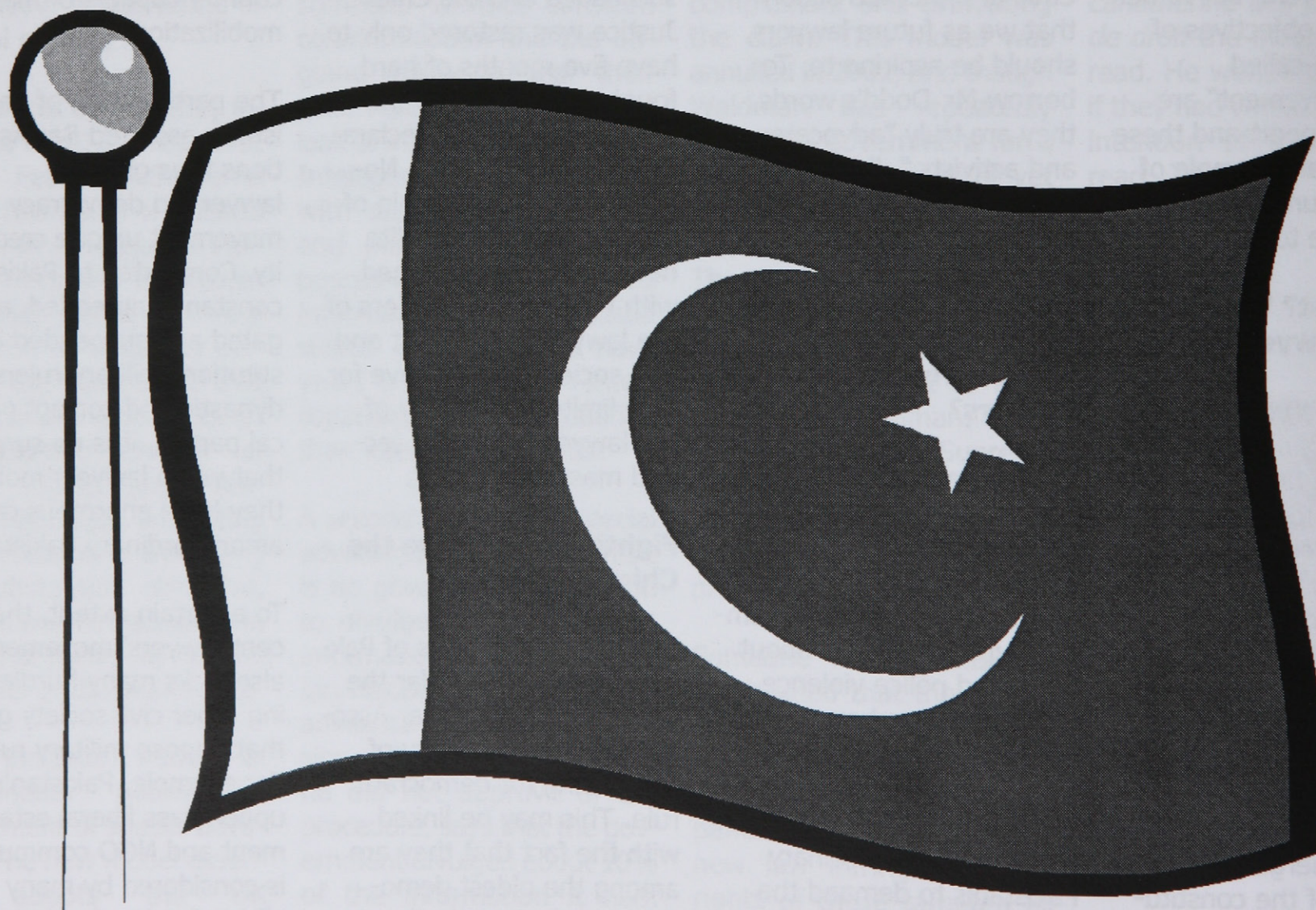
Muslim League leader and exiled former Prime Minister Nawaz Sharif, from the upcoming election race throws her credentials as a democrat into doubt. Finally, the Islamist parties like the Jamaat-e-Islamia, though generally respected, do not garner significant popular support across Pakistan's four provinces.

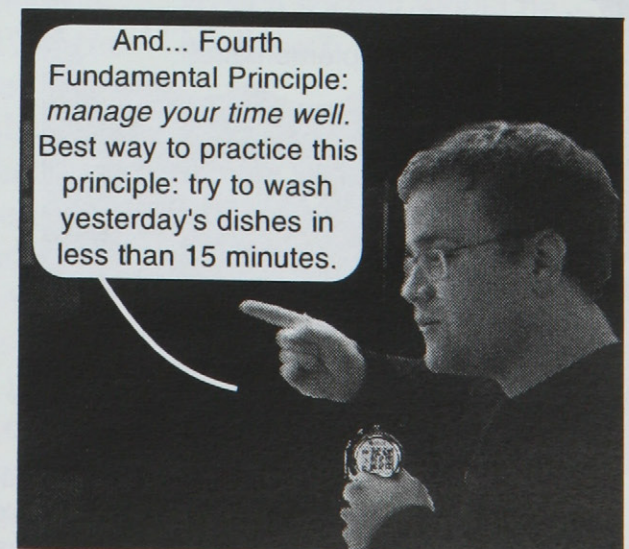
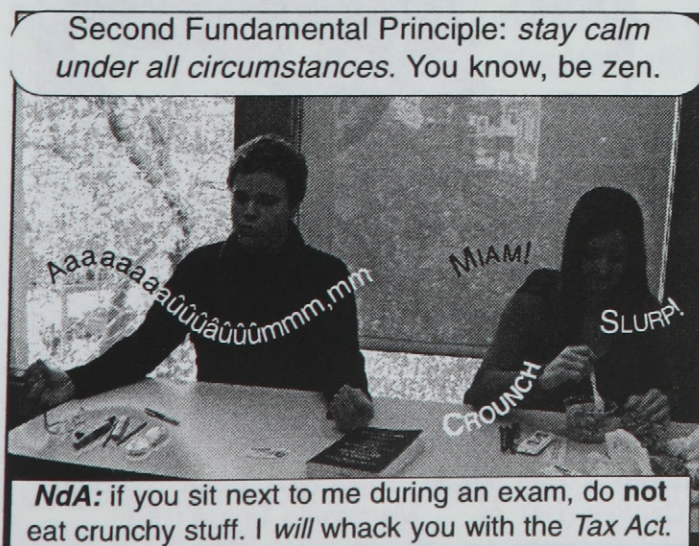
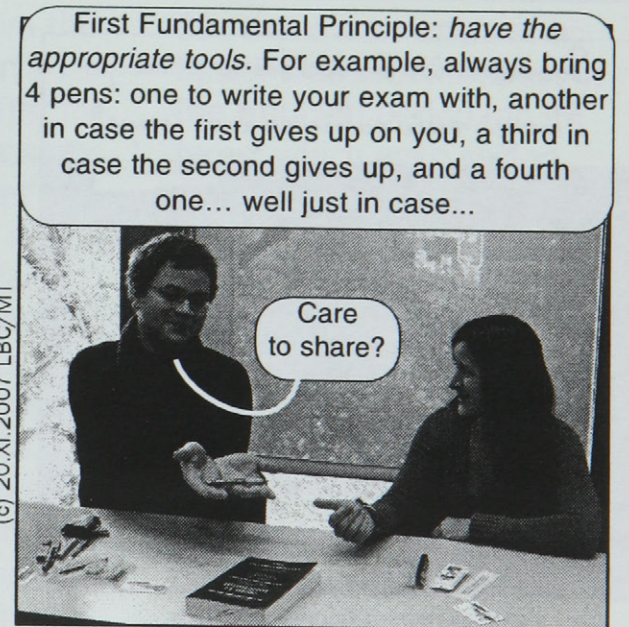
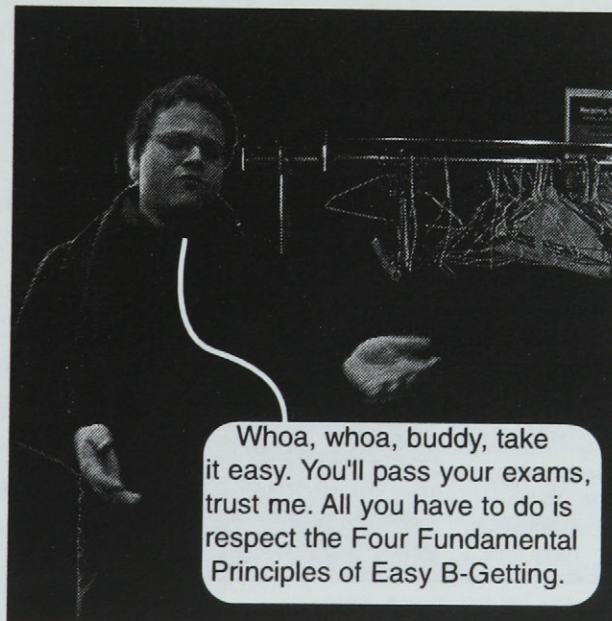
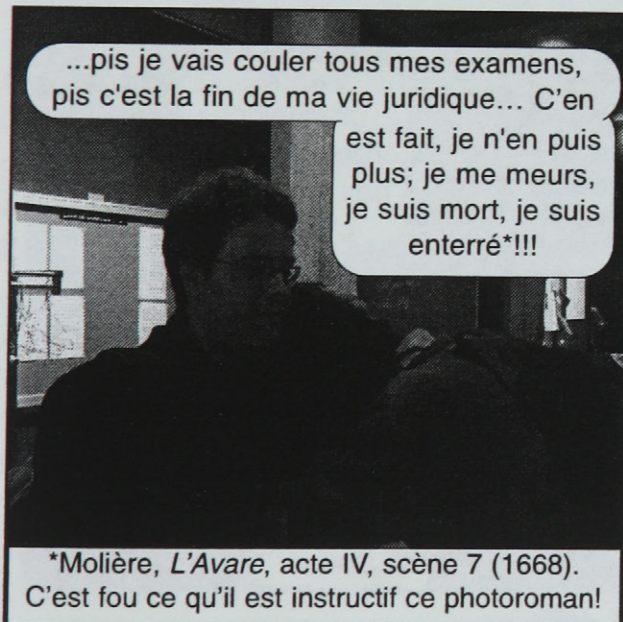
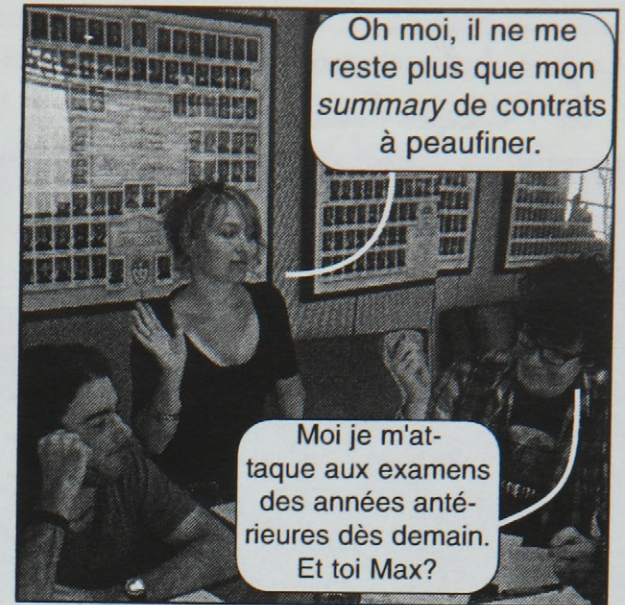
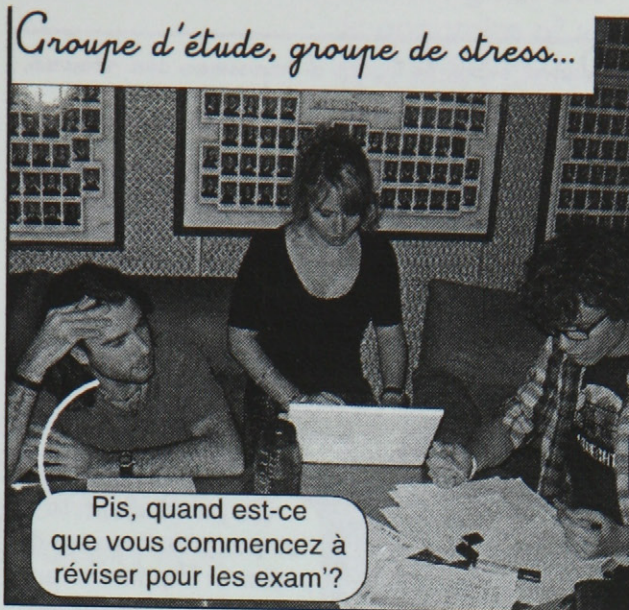
Because the lawyers' movement is non-partisan, locally funded and not intent on achieving political power, it is consequently not seen by Pakistanis as self-interested. The movement they led to victory on July 20th also transcended certain class divisions: relatively poor divisional court lawyers and Ivy

League educated corporate lawyers attended weekly protests together. Similarly, with the possible exception to Bhutto's PPP, there is no other movement or organization in the country that transcends Pakistan's many religious, ethnic and linguistic communities. No other organization or movement clearly and consistently advocates in favour of democracy, judicial independence, the constitution and rule of law. No other group in Pakistan is capable of similarly broad and principled mobilization.

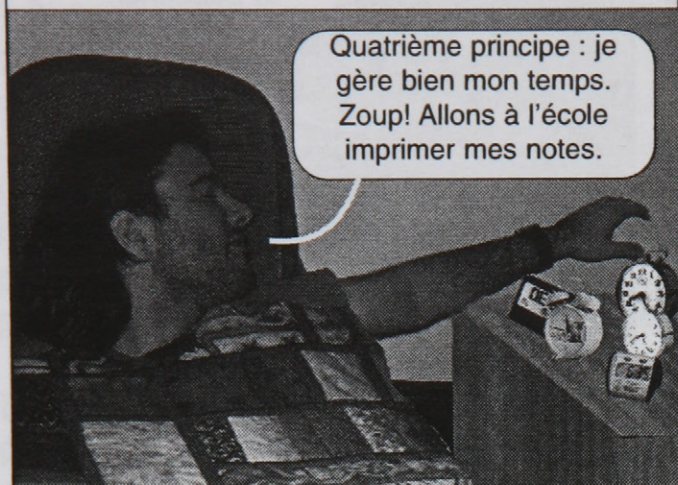
Our solidarity should extend beyond Pakistan's lawyers to all the people who are suffering under the (re)im-

position of martial rule in that country. A number of my friends who are journalists and activists were among those recently arrested in Lahore. Any expression of solidarity with the lawyers of Pakistan should not imply that they are the only people in Pakistan we are protesting for. If we accept the assumption that ordinary Pakistanis will be better off under elected governments overseen by an independent judiciary (and I recognize that many do not), we must then support the protest movement being spearheaded by Pakistan's lawyers. ■



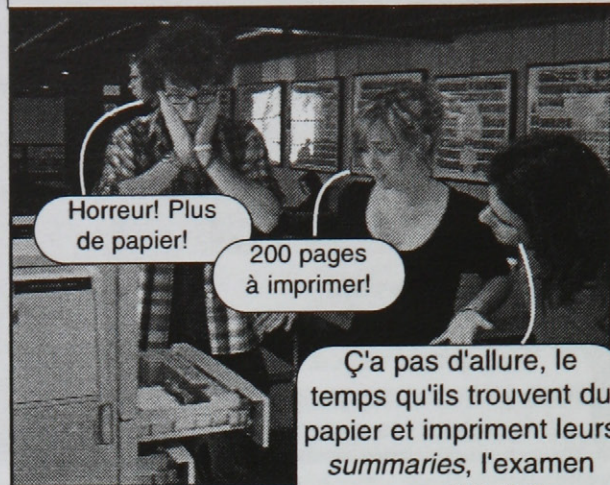


Le jour de l'examen, Max met en pratique les Principes Fondamentaux de Garth.



Quatrième principe : je gère bien mon temps. Zoup! Allons à l'école imprimer mes notes.

Quand vient le temps d'imprimer son résumé, Max est confronté à une situation inattendue.

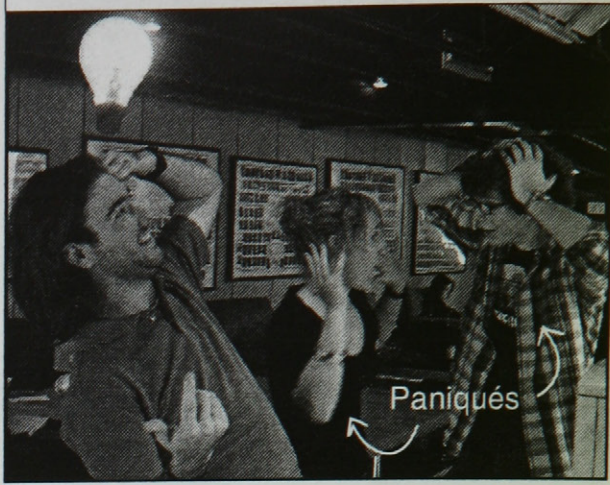


Horreur! Plus de papier!

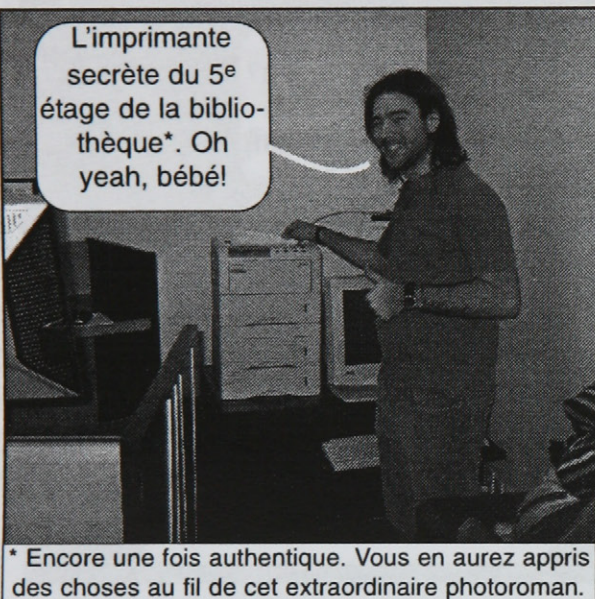
200 pages à imprimer!

Ça pas d'allure, le temps qu'ils trouvent du papier et impriment leurs summaries, l'examen sera déjà fini!

Troisième principe: Max trouve donc une solution créative à un problème inattendu.



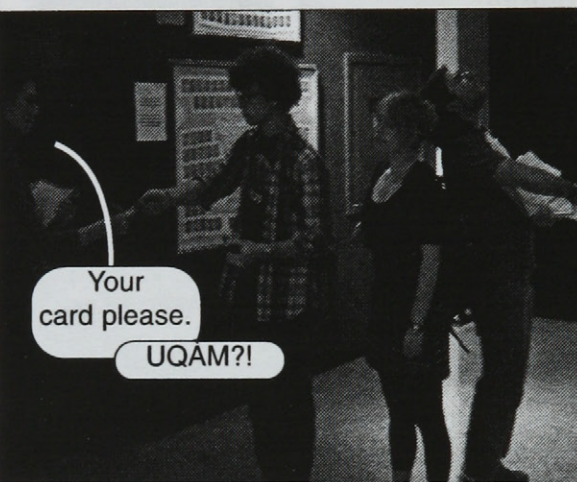
Paniqués



L'imprimante secrète du 5^e étage de la bibliothèque*. Oh yeah, bébé!

* Encore une fois authentique. Vous en aurez appris des choses au fil de cet extraordinaire photoroman.

Premier principe: Max a ses livres... euh... ouverts à son examen open-book.



Your card please.

UQAM?!



Your card please.

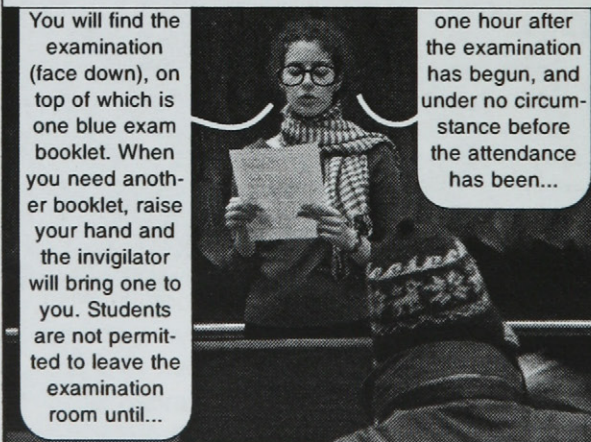
Yo, c'est pas parce que je viens du cégep que j'ai pas 18 ans, épaisse...



Souviens-toi du deuxième principe Max et reste calme en tout temps!

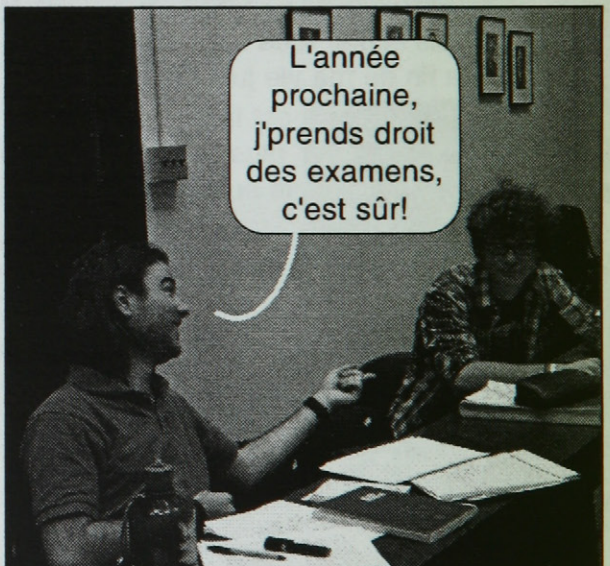
Oui, épaisse, hein, votre liste de noms?

L'heure H est finalement arrivée... enfin presque, car il reste les consignes

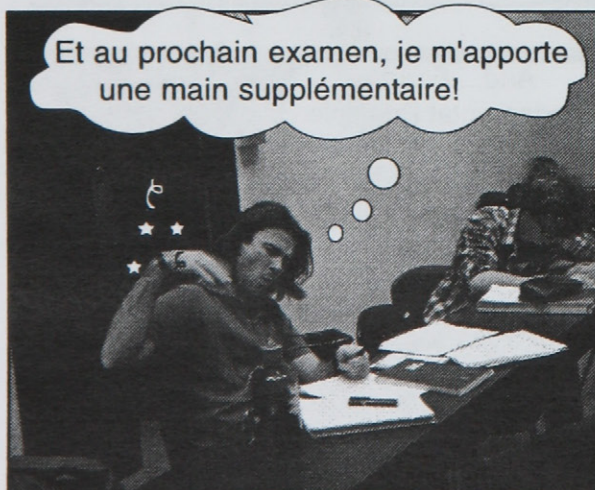


You will find the examination (face down), on top of which is one blue exam booklet. When you need another booklet, raise your hand and the invigilator will bring one to you. Students are not permitted to leave the examination room until...

one hour after the examination has begun, and under no circumstance before the attendance has been...



L'année prochaine, j'prends droit des examens, c'est sûr!



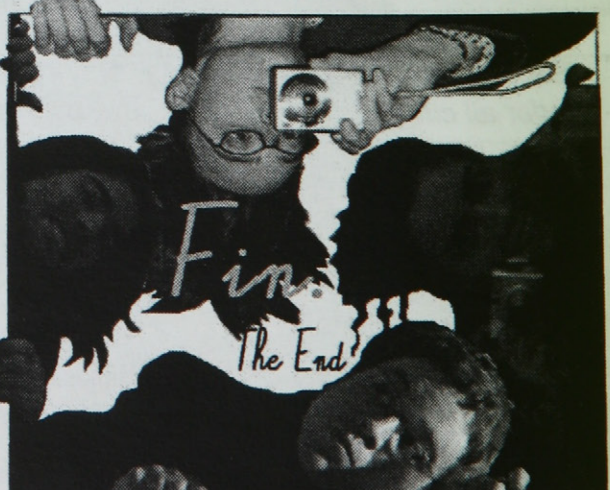
Et au prochain examen, je m'apporte une main supplémentaire!



Trois heures et une ride de bus après...

J'te dis pas Garth, c'était TROP facile cet examen, je l'ai tellement clanché!

My baby's grown up. I'm so proud. Now, let's drink!



Fin.
The End

Max: Olivier Cournoyer Boutin (U1), Garth: Frédéric Wilson (U4), Potaches de première prétentieux: Lucas Berge-ron-Drolet (U2). Upper-year providentielle: Valérie Simard (U4). Conception: Laurence Bich-Carrière (U4) et Marguerite Tinawi (U3).
ET NE VOUS INQUIÉTEZ PAS, NOUS NON PLUS N'AVONS PAS COMMENCÉ À RÉVISER. ALORS SI VOUS VOULEZ PROCRASTINER, VOUS POUVEZ TOUJOURS NOUS ÉCRIRE.

TELEOLOGICAL HISTORY

by Andrew Mason (LAW IV)

This article adds the author's two cents to two on-going debates in the pages of the Quid: the teleological history debate between Claude Lévesque, Alex Herman and Guy-Philippe Allen Bouchard, and the debate between Radical Law and the LSA. Both debates have the same root cause, IMO: some people think they know best and therefore seek to marginalize those opinions that don't suit them.

Members of Radical Law proposed a series of poorly written and poorly organized motions. The student body didn't take much notice and, even amongst those in attendance at the General Meeting, the audience was far from uniform in its support for the motion. The LSA are elected to govern and most students just want them to get on with organizing Faculty and social events. It is wrong to suggest, as Radical law member Lissa Greenspoon has, that the LSA is hostile to student initiatives when they are opposed to them. Speaking as someone who has organized and won a referendum that rolled back the LSA's anti-sponsored coffeehouse policy, I found members of the LSA generally very pleasant and helpful throughout the process. And as someone who attended the "General Meeting", I think Radical Law is just a little miffed: they clearly think that they know

what is best for us all and they can't stand the reactionary "obstructionism" of other people wanting to express contradictory opinions.

Moving to the teleological issue, the general point of debate is the same: some people think they know what history should and could be, while others are more interested in exploring the facts and recounting what history actually was, however inconvenient the truth.

G-P A. Bouchard is correct: the problem with teleological history is that it is inaccurate. It destroys nuance and context. It ignores and distorts the facts. Teleological history is always driven by an ideological agenda – the agenda changing to suit the nation and the time: Englishmen were once taught that world history culminated in their imperial destiny, Russians were taught that history was a series of stages in the evolution towards communism. The "rights and progress" narrative is every bit as ideological, although on its face it less troubling. In reality, it is usually empty rhetoric, used to stigmatize opponents and draw debate away from the reality of the situation and towards loftier but less tangible ideals. Lévesque and Herman have employed a "rights and progress" argument to reinforce their teleology. I am a

fan of rights. But "progress" is quagmire of a term to define and I prefer my history not bent or distorted by any ideological master. Lévesque and Herman mention American mythmaking, around the likes of Washington. I wonder to what extent American society, like all societies born of revolution, has been warped by pervasive flag and hero worship. Attempting to negate history for social or cultural reasons ignores the fact that weaving beautiful myth is not the role of the historian but of the artist.

One can indeed question whether certain historical information will only serve to reopen old wounds, but papering over the historical fissures in a society is ultimately unhelpful. These cracks need to be exposed, debated, put to rest and not simply ignored.

Let us step away from the local: take France. In post-Liberation France, after initial purges, French society spent several decades loudly nurturing the myth of a vast 'French Resistance' and its role in the eventual 'victory' in WW2. The French Government between 1940-1944 was declared illegal, an aberration in France's republican history wholly influenced by the Nazi occupier. From a teleological standpoint this made sense. After 1945 the Republic was restored as was, indeed, inevitable from a teleological perspective. Liberty had triumphed after a foreign-induced hiccup. Old wounds could be healed by convenient lapses of memory. It was not until the 1970s that historians began to unpack exactly how truly 'French' the Vichy regime was: the massive reforms

(many kept in place post-war) and the savage crimes were French-inspired and French-directed (with one Minister of Jewish Affairs proudly pointing out at his trial that the anti-Semitic laws were based on French rather than German legal precedent). After the war many former Vichy officials quietly went back to government jobs and reintegrated themselves into society, some reaching, and others remaining within, the elite. President Mitterand was a decorated supporter of the regime who joined the Resistance only after the tide had turned. War criminals enjoyed post-war positions of power and prestige.

France had to face her demons before she could make peace with them, although one can question whether she truly has. At least, in the late 70s and 80s there was renewed historical and social interest in the troubled period, an interest which even spilled over into cinema (Malle made several excellent movies about the occupation). By the 1990s several of the worst surviving Vichy offenders were on trial. One cannot help but wonder whether, if the French people had been forced to confront their wartime past sooner, contemporary French society would be healthier?

A healthy society needs its history, warts and all. Not what somebody thinks is best for us.

■

November 22: ELM / SALDF Coffee-house!

Ce jeudi, venez célébrer la fin de session avec Environmental Law McGill et The Student Animal Legal Defense Fund! Il y aura de la bière, des samosas et des gâteries végétaliennes. Ça va être le fun.

Founded in 1989, Environmental Law McGill (ELM) is made up of students with an interest in all aspects of environmental law and environmental awareness. ELM is a gathering point for big and little projects that impact the Faculty and often the wider community.

The Student Animal Legal Defense Fund (SALDF) is devoted to providing a forum for education, advocacy, and scholarship aimed at enhancing the welfare and legal status of nonhuman animals. Our projects for the year include hosting speakers and debates on current issues affecting animals, conducting educational events, and assisting lawyers and organizations in promoting positive change through litigation.

En espérant de vous voir jeudi,

Katherine Lofts
General Coordinator, SALDF

